

109TH CONGRESS  
2D SESSION

# S. 3496

To amend the Internal Revenue Code of 1986 to eliminate the limitation on the foreign earned income exclusion, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 13, 2006

Mr. DEMINT introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend the Internal Revenue Code of 1986 to eliminate the limitation on the foreign earned income exclusion, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Working American  
5 Competitiveness Act”.

6 **SEC. 2. ELIMINATION OF LIMITATION ON FOREIGN EARNED**  
7 **INCOME EXCLUSION.**

8 (a) IN GENERAL.—Subsections (a) and (b) of section  
9 911 of the Internal Revenue Code of 1986 (relating to

1 citizens or residents of the United States living abroad)  
2 are amended to read as follows:

3       “(a) EXCLUSION FROM GROSS INCOME.—At the elec-  
4 tion of a qualified individual, there shall be excluded from  
5 the gross income of such individual, and exempt from tax-  
6 ation under this subtitle, for any taxable year, the foreign  
7 earned income of such individual.

8       “(b) FOREIGN EARNED INCOME.—For purposes of  
9 this section—

10           “(1) IN GENERAL.—The term ‘foreign earned  
11 income’ with respect to any individual means the  
12 amount received by such individual from sources  
13 within a foreign country or countries which con-  
14 stitute earned income attributable to services per-  
15 formed by such individual during the period de-  
16 scribed in subparagraph (A) or (B) of subsection  
17 (d)(1), whichever is applicable.

18           “(2) CERTAIN AMOUNTS NOT INCLUDED IN  
19 FOREIGN EARNED INCOME.—The foreign earned in-  
20 come for an individual shall not include amounts—

21                   “(A) received as a pension or annuity,

22                   “(B) paid by the United States or an  
23 agency thereof to an employee of the United  
24 States or an agency thereof,

1           “(C) included in gross income by reason of  
2           section 402(b) (relating to taxability of bene-  
3           ficiary of nonexempt trust) or section 403(c)  
4           (relating to taxability of beneficiary under a  
5           nonqualified annuity), or

6           “(D) received after the close of the taxable  
7           year following the taxable year in which the  
8           services to which the amounts are attributable  
9           are performed.”.

10       (b) CONFORMING AMENDMENTS.—

11           (1) Section 911 of the Internal Revenue Code  
12           of 1986 is amended by striking subsection (c) and  
13           by subsections (e) and (f) as subsections (c) and (e),  
14           respectively.

15           (2) Section 911(d) of such Code is amended by  
16           striking paragraph (7) and by redesignating para-  
17           graph (8) as paragraph (7).

18           (3) Section 1402(a)(11) of such Code is amend-  
19           ed by striking “section 911(a)(1)” and inserting  
20           “section 911(a)”.

21       (c) EFFECTIVE DATE.—The amendments made by  
22       this section shall apply to taxable years beginning after  
23       the date of the enactment of this Act.

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